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## MEMO ENDORSED

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August 21, 2008

AUG 21 2008

**By Facsimile 212-805-4258**

Honorable Debra Freeman  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 525  
New York, NY 10007

**Re: *Arcon Solutions, LLC v. East 29<sup>th</sup> Street, LLC, et al.*  
Case No. 08-CV 2050 (RMB)**

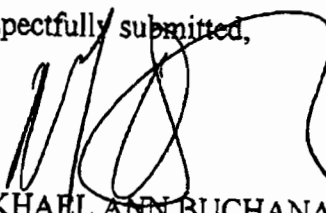
Dear Judge Freeman:

This office is counsel to Plaintiff Arcon Solutions, LLC. On August 19, 2008, Arcon sent a letter to Judge Berman requesting an informal pre-motion conference regarding a dispute between the parties as to the appropriate location for the depositions of Defendants' corporate officers. On August 21, 2008, Judge Berman referred this matter to your attention. The Order of Reference and letter, as endorsed by Judge Berman, is enclosed for your convenience. The purpose of this letter is to request an informal pre-motion conference pursuant to Local Rule 37.2 with Your Honor at the Court's earliest convenience. As set forth in the attached letter to Judge Berman, Plaintiff anticipates filing a Motion to Compel Depositions to Take Place in New York. The grounds for such motion are set forth in the letter. Plaintiff's counsel, who is located in Miami, respectfully requests an appearance by telephone for this pre-motion conference in order to reduce attorney's fees and costs to Plaintiff. Plaintiff hopes to resolve this dispute and move discovery forward as soon as possible, as the discovery deadline is fast approaching (October 24, 2008).

Thank you for your time and consideration.

Honorable Debra Freeman  
August 21, 2008  
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Respectfully submitted,

  
MIKHAEL ANN BUCHANAN  
Counsel for Plaintiff/Counter-claim Defendants  
Admitted Pro Hac Vice

Enclosure

cc: T. Soloway, Esq. (counsel for Defendants)  
J. Shepard, Esq. (counsel for Defendants)  
(by e-mail)

*The Court will accept this letter and counsel's prior August 19, 2008 letter as Plaintiff's motion, without need for a pre-motion conference. Defendant is directed to respond to the motion, providing applicable authority and any special facts or circumstances of which it believes the Court should be aware, no later than close of business on August 29, 2008. Plaintiff may reply by September 3, 2008. All submissions may be faxed to my chambers. None should exceed five pages.*

SO ORDERED: DATE: 8/27/08

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DEBRA FREEMAN  
UNITED STATES MAGISTRATE JUDGE